

SENATE BILL REPORT

SB 5189

As of February 17, 2009

Title: An act relating to crimes that require dismissal or certificate revocation for school employees.

Brief Description: Expanding the list of crimes that require dismissal or certificate revocation for school employees.

Sponsors: Senators Kohl-Welles, King, McAuliffe, Brandland, Tom, Carrell, Kauffman, McDermott and Kilmer.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/16/09.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Juliana Roe (786-7438)

Background: Under current Washington law, school districts must immediately terminate classified or certificated employees upon a guilty plea or conviction of a specified felony crime against children, such as the physical injury or death of a child and sexual offenses where a minor is the victim. If a contractor fails to prohibit any employee from working at a public school where there is contact with children when the employee has pled guilty or has been convicted of a specified felony crime against children, the school district has grounds to immediately terminate the contract.

Any certificate or permit must be revoked upon a guilty plea or conviction of a specified felony crime against children. A certificate or permit revoked under these circumstances cannot be reinstated.

Summary of Bill: Classified employees are immediately terminated by the school district board of directors if they plead guilty to or are convicted of specified felony offenses (including incest, kidnapping, and robbery) and have contact with children during the course of employment, regardless of the victim's age. The school district board of directors also includes a provision in contracts prohibiting any employees of contractors, who have pled guilty to or have been convicted of specified felony offenses, from working at public schools if they have contact with children during the course of employment. The school district terminates the employment of any person whose certificate or permit is subject to revocation

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

due to a guilty plea or conviction of specified felony offenses if that person has contact with children during the course of employment.

School district superintendents, educational service district (ESD) superintendents, or private school administrators can file complaints concerning certificated employees of a school district, ESD, or private school; this is not limited to employees of the complaining superintendent or administrator. Further, any such certificate or permit is revoked by those authorized to grant the certificate or permit. Mandatory revocation applies to convictions or guilty pleas that occur on or after the effective date of this act.

A certificate or permit is revoked by the authorizing entity if it is found that the certificate holder obtained the certificate through fraudulent means. This person does, however, have an opportunity to be heard and has the right to appeal.

School district superintendents are required to notify the Office of the Superintendent of Public Instruction (OSPI) when the district terminates the contract of a certificated employee based on probable cause. OSPI must maintain a record of the notices received and review on a quarterly basis the list of guilty pleas and convictions it receives from the Washington State Patrol.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: It is important to ensure that the students in our schools are taught by and interact with staff who have not been found guilty or convicted of horrendous crimes. This bill expands the list of crimes to include incest, kidnapping, and robbery, as well as crimes against adults. These crimes reflect a nexus to the classroom. They are all crimes against a person. There is good sense to this bill. There is no reason to perpetuate more victims in the classroom; classrooms should be safe.

Expanding the list of crimes does not infringe upon due process. This bill only applies to those people who have pled guilty or have been convicted of a listed crime.

CON: There is concern that robbery and assault of an adult should not be included in this list of crimes. The problem is that many of those who would be affected are classified staff like office assistants or custodians. The state works hard with ex-offenders to help them get jobs and their lives back. This is an obstacle in that process. Many people have juvenile records and these records would work against people trying to get jobs. This bill is unfair. It does not give due process to people who made mistakes when they were young.

Persons Testifying: PRO: Senator Kohl-Welles, prime sponsor; Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs; Lucinda Young, Washington Education Association.

CON: Larry Harris, citizen.